

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

TONJIA C. WINGO, SR.,	)	
	)	
Plaintiff,	)	
	)	Case No. 3:19-cv-00351-JD-MGG
v.	)	
	)	
RITE OF PASSAGE DePAUL	)	
ACADEMY, et al.,	)	
	)	
Defendants.	)	

**ANSWER OF DEFENDANTS**  
**RITE OF PASSAGE DePAUL ACADEMY,**  
**IKE SHIPMEN, AND MICHELLE RUTH**

Come now, Defendants Rite of Passage DePaul Academy, Ike Shipmen, and Michelle Ruth, by and through counsel, and in response to Plaintiff's Complaint state as follows:

1. Defendants deny the allegations contained in Paragraph 1 of Plaintiff's Complaint.
2. Defendants deny the allegations contained in Paragraph 2 of Plaintiff's Complaint.
3. Defendants deny the allegations contained in Paragraph 3 of Plaintiff's Complaint.

**AFFIRMATIVE DEFENSES**

Now come Defendants, by and through undersigned Counsel, and for their affirmative defenses to Plaintiff's Complaint state as follows:

1. Defendants deny each and every statement, allegation and averment contained in Plaintiff's Complaint which is not specifically herein admitted to be true.
2. Plaintiff's claims are barred by the applicable statute of limitations.
3. Plaintiff's claims are barred by estoppel.
4. Plaintiff's claims are barred by the doctrine of unclean hands.

5. To the extent Plaintiff suffered any damages, which Defendant expressly denies, Plaintiff has failed to take the steps necessary to mitigate the damages sustained.

6. Plaintiff's claims are barred, in whole or in part, because Defendant acted in good faith without malice and in accordance with the United States and Indiana Constitutions, as well as applicable statutory law.

7. Plaintiff has failed to state a claim upon which relief may be granted.

8. Plaintiff was an at-will employee subject to discharge at any time.

9. Defendant had a legitimate, non-discriminatory reason for terminating Plaintiff.

10. Plaintiff is not a qualified individual with a disability.

11. Defendant did not regard Plaintiff as disabled or having a disability.

12. Plaintiff's claims are frivolous under Indiana law and without foundation in fact or law and therefore Defendant is entitled to recover all costs incurred in defending this action, including reasonable attorney fees.

13. Defendant reserves the right to supplement or amend this Answer, including through the addition of further affirmative defenses, based upon the course of discovery and proceedings in this action.

**WHEREFORE**, Defendants pray that Plaintiff's Complaint be dismissed with prejudice at Plaintiff's costs, that Plaintiff take nothing by his Complaint, and that Defendants be reimbursed for all costs and fees in responding to, and defending, this case.

Dated: July 9, 2019.

Respectfully submitted,

/s/ Vincent P. Antaki  
Vincent P. Antaki #22260-15  
**REMINER CO., L.P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2019, the foregoing was filed electronically. Notice of this filing will be sent to the following persons by operation of the Court's electronic filing system.

The following individuals will also be served via regular U.S. Mail.

Tonjia C. Wingo, Sr.  
24581 Nash Avenue  
South Bend, IN 46619

/s/ Vincent P. Antaki  
Vincent P. Antaki #22260-15  
**REMINGER CO., L.P.A.**